



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Jan Lewandowski et al.

Serial No.: 10/729,199

Filed: December 5, 2003

Title: ULTRASONIC DETECTION OF EAR DISORDERS

Docket No.: 34968US2

DECLARATION OF RONALD M. KACHMARIK

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

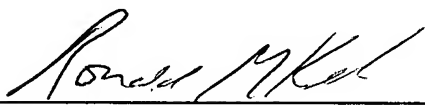
Dear Sir:

I, Ronald M. Kachmarik, hereby declare that:

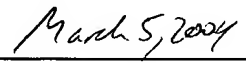
1. I am a patent attorney with the firm Pearne & Gordon LLP in Cleveland, Ohio.
2. On January 8, 2004, I sent to Dr. Robert A. Bessler, via certified mail, return receipt requested, a package containing a complete copy of the above-captioned patent application, including specification, claims, drawings and abstract, a Declaration and Power of Attorney form, an Assignment form, and a cover letter.
3. The above package was sent to Dr. Bessler at his residence address of:
6203 Hawthorne Terrace
Browns Point, WA 98422
4. According to the Federal Express shipment tracking web site, the package was delivered on January 9, 2004.
5. The cover letter enclosed in the above package, copy attached as Exhibit B, requested that Dr. Bessler review the enclosed application and execute and return the Declaration / Power of Attorney and Assignment forms.

6. On February 2, 2004, I received a reply letter from Dr. Bessler, copy attached as Exhibit C. In the letter, Dr. Bessler contended that:
- a. he was the sole inventor of the invention described in the application;
 - b. he was not going to sign the Declaration / Power of Attorney, and Assignment documents;
 - c. he did not have any contractual obligation to assign his rights in the invention; and
 - d. he had already prepared and filed a patent application for the invention.
7. As of today's date, Dr. Bessler has not executed and returned the Declaration / Power of Attorney and Assignment forms.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements may jeopardize the validity of the present application or any patent issued thereon.



Ronald M. Kachmarik
Patent Attorney



Date